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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROBERT DEKETT,
Defendant.

No. CR 11-00554 EJD

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING THE CHANGE OF
PLEA HEARING FROM SEPTEMBER 17,
2012 TO OCTOBER 15, 2012, AND
EXCLUDING TIME FROM SEPTEMBER
17, 2012 TO OCTOBER 15, 2012

The parties hereby request that the Court enter this order continuing the change of plea hearing scheduled for September 17, 2012 to October 15, 2012, and excluding time from September 17, 2012 to October 15, 2012. The parties, including the defendant, stipulate as follows:

1. Defense counsel Jack Gordon is unavailable on September 17, 2012 due to a preliminary hearing in state court. Government counsel has presented him and the defendant with a proposed plea agreement.

2. The defendant understands and agrees to the exclusion of time from calculations under

STIP & [PROP] ORDER
No. CR 11-00554 EJD

the Speedy Trial Act, 18 U.S.C. § 3161, for the period from September 17, 2012 to October 15, 2012, based upon the need for the defense counsel and defendant to complete their investigation and review and consider the proposed plea agreement. Therefore, for effective preparation of defense counsel, the parties agree that the change of plea hearing currently scheduled for September 17, 2012 should be continued to October 15, 2012 at 1:30 p.m.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for the period from September 17, 2012 to October 15, 2012.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from September 17, 2012 to October 15, 2012 outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 9/12/12

/s/

JACK GORDON
Attorney for Defendant

DATED: 9/12/12

/s/

SUSAN KNIGHT
HANLEY CHEW
Assistant United States Attorneys

~~PROPOSED~~ ORDER

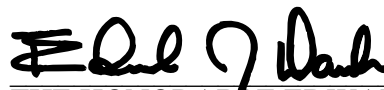
Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from September 17, 2012 to October 15, 2012, based on the need for the defense counsel to complete his investigation and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the

1 defense and is in the defendant's best interests; and (3) the ends of justice are served by
2 excluding from Speedy Trial calculations the period from September 17, 2012 to October 15,
3 2012.

4 Accordingly, the Court further orders that (1) the change of plea hearing currently
5 scheduled for September 17, 2012, is vacated and that the next appearance date before this Court
6 is scheduled for DATE at 1:30 p.m.; and (2) the time from September 17, 2012 through October
7 15, 2012 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

8 IT IS SO ORDERED.

9 DATED: 9/14/2012
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11 THE HONORABLE EDWARD J. DAVILA
12 United States District Court Judge
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